

(6) The form of request for lease approval, and an explanation of how to request HA approval to lease a unit;

(7) A statement of the HA policy on providing information about a family to prospective owners;

(8) HA subsidy standards, including when the HA will consider granting exceptions to the standards;

(9) The HUD brochure on how to select a unit;

(10) The HUD-required lead-based paint (LBP) brochure;

(11) Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form;

(12) A list of landlords or other parties known to the HA who may be willing to lease a unit to the family, or help the family find a unit;

(13) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the HA that may be available;

(14) Family obligations under the program;

(15) The grounds on which the HA may terminate assistance for a participant family because of family action or failure to act; and

(16) HA informal hearing procedures. This information must describe when the HA is required to give a participant family the opportunity for an informal hearing, and how to request a hearing.

(Approved by the Office of Management and Budget under control number 2577-0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 27163, May 30, 1996]

§ 982.302 Issuance of certificate or voucher; Requesting HA approval to lease a unit.

(a) When an applicant family is selected, or when a participant family wants to move to a new unit with continued tenant-based assistance (see § 982.314), the HA issues a certificate or voucher to the family. The family may search for a unit.

(b) If the family finds a unit, and the owner is willing to lease the unit under the program, the family may request HA approval to lease the unit. The HA has the discretion to permit a family

to submit more than one request at a time.

(c) The family must submit to the HA a request for lease approval and a copy of the proposed lease. Both documents must be submitted during the term of the certificate or voucher.

(d) The HA specifies the procedure for requesting approval to lease a unit. The family must submit the request for lease approval in the form and manner required by the HA.

(Approved by the Office of Management and Budget under control number 2577-0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 63 FR 23860, Apr. 30, 1998]

§ 982.303 Term of certificate or voucher.

(a) *Initial term.* The initial term of a certificate or voucher must be at least 60 calendar days. The initial term must be stated on the certificate or voucher.

(b) *Extensions of term.* (1) At its discretion the HA may grant a family one or more extensions of the initial term in accordance with HA policy as described in the HA administrative plan. Except as provided in paragraph (b)(2)(ii) of this section, the initial term plus any extensions may not exceed a total period of 120 calendar days from the beginning of the initial term. Any extension of the term is granted by HA notice to the family.

(2) If the family needs and requests an extension of the initial certificate or voucher term as a reasonable accommodation, in accordance with 24 CFR part 8, to make the program accessible to and usable by a family member with a disability:

(i) The HA must extend the term of the certificate or voucher up to 120 days from the beginning of the initial term;

(ii) The HUD field office may approve an additional extension of the term.

(c) *Suspension of term.* The HA policy may or may not provide for suspension of the initial or any extended term of the certificate or voucher. At its discretion, and in accordance with HA policy as described in the HA administrative plan, the HA may grant a family a suspension of the certificate or

voucher term if the family has submitted a request for lease approval during the term of the certificate or voucher. (§982.4 (definition of "suspension"); §982.54(d)(2)) The HA may grant a suspension for any part of the period after the family has submitted a request for lease approval up to the time when the HA approves or denies the request.

(d) *Progress report by family to the HA.* During the initial or any extended term of a certificate or voucher, the HA may require the family to report progress in leasing a unit. Such reports may be required at such intervals or times as determined by the HA.

(Approved by the Office of Management and Budget under control number 2577-0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 63 FR 23860, Apr. 30, 1998]

§982.304 Illegal discrimination: HA assistance to family.

A family may claim that illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability prevents the family from finding or leasing a suitable unit with assistance under the program. The HA must give the family information on how to fill out and file a housing discrimination complaint.

(Approved by the Office of Management and Budget under control number 2577-0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

§982.305 HA approval to lease a unit.

(a) *Program requirements.* The HA may not give approval for the family to lease a dwelling unit, or execute a HAP contract, until the HA has determined that all the following meet program requirements:

- (1) The unit is eligible;
- (2) The unit has been inspected by the HA and passes HQS;
- (3) The lease is approvable and includes the lease addendum;
- (4) The rent to owner is reasonable; and
- (5) For a unit leased under the certificate program, the total of contract rent plus any utility allowance does not exceed the FMR/exception rent limit.

(b) *Actions before lease term.* All of the following must always be completed before the beginning of the lease term:

- (1) The HA has inspected the unit, and has determined that the unit satisfies the HQS;
- (2) The landlord and the tenant have executed the lease; and
- (3) The HA has approved leasing of the unit in accordance with program requirements.

(c) *When HAP contract is executed.* (1) The HA must use best efforts to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.

(2) The HA may not pay any housing assistance payment to the owner until the HAP contract has been executed.

(3) If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, the HA will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).

(4) Any HAP contract executed after the 60 day period is void, and the HA may not pay any housing assistance payment to the owner.

(d) *Notice to family and owner.* After receiving the family's request for approval to lease a unit, the HA must promptly notify the family and owner whether the assisted tenancy is approved.

(e) *Procedure after HA approval.* If the HA has given approval for the family to lease the unit, the owner and the HA execute the HAP contract.

(Approved by the Office of Management and Budget under control number 2577-0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

§982.306 HA disapproval of owner.

(a) The HA must not approve a unit if the HA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

(b) When directed by HUD, the HA must not approve a unit if: